



Image

01-08-04



BJA243A

1654

App. No. 09/599,660
Corrected amdt. dated January 6, 2004
Reply to Notice of Non-Compliant Amendment dated December 30, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/599,660
Applicant : Jörg G. Moser
Filed : June 22, 2000
For : Photosensitizers with Ligand Targeting Properties for Tumor Therapy
Art Unit : 1654
Examiner : Anish Gupta
Docket No. : BJA243A

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail,
No. ER487197891US, in an envelope addressed to: Mail Stop: Non-Fee Amendment, Commissioner of Patents, PO Box
1450, Alexandria, VA 22313-1450 on:

Date : January 6, 2004
By : Bolesh J. Skutnik
Signature : *Bolesh J. Skutnik*

REPLY TO "NOTICE OF NON-COMPLIANT AMENDMENT"

Mail Stop: Non-Fee Amendment
Commissioner of Patents
PO Box: 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment dated December 30, 2003 (a copy of which is attached), having a one-month statutory period for response which expires January 30, 2004, the following corrections have been made to the amendment filed December 9, 2003. A replacement "Amendments to the claims" section is enclosed.

In the "Amendments to the claims" section, previously cancelled claims 1-23 in this RCE application were not listed. A replacement section is enclosed that includes these cancelled claims and also includes changes to the status indicators of some pending claims, where appropriate.

Appl. No. 09/599,660
Corrected amdt. dated January 6, 2004
Reply to Notice of Non-Compliant Amendment dated December 30, 2003

BJA243A

We are also including a copy of the cover letter and Remarks for the originally submitted Amendment of December 9, 2003 to facilitate review on the merits.

With these changes and remarks, it is believed that the amendment is compliant with 37 CFR 1.121. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bolesh J. Skutnik", written in a cursive style.

Bolesh J. Skutnik, PhD, JD
Reg. No. 36,347
Attorney for Applicants

Dated: January 6, 2004

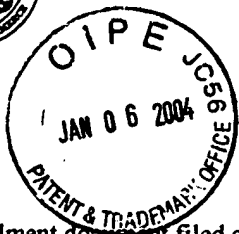
CeramOptec Industries, Inc.
515 Shaker Road
East Longmeadow, MA 01028
Phone: (413) 525-8222

Fax: (413) 525-0611



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov



Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12-09-2003 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflver.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection,** and is not affected by the non-compliant status of the amendment.

Chane Williams
Legal Instruments Examiner (LIE)

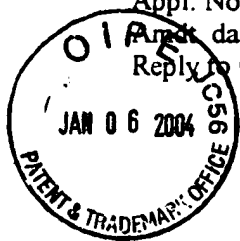
703-305-2758
Telephone No.

Appl. No. 09/599,660

BJA243A

Amend. dated December 9, 2003

Reply to Office action of November 19, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/599,660
Applicant : Jörg G. Moser
Filed : June 22, 2000
Title : Photosensitizers with Ligand Targeting Properties for Tumor Therapy
Art Unit : 1654
Examiner : A. Gupta
Docket No. : BJA243A

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail, No. ER487197843US in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313 on:

Date : December 9, 2003
By : Boles J. Skutnik
Signature :

AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated November 19, 2003, having a shortened three-month statutory period for response that expires on February 19, 2004, (as indicated by examiner by phone) please amend the above-identified patent application as follows:

Amendments to the Claims are reflected in the listing of new claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper